

Coordinating State and Local Implementation

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Regulations Discussed

- Federal (EPA) storm water regulations
- State storm water regulations
 - DNR - NR 151 and 216
 - DOT - Trans 401
 - Commerce
 - COMM 21.125: Uniform Dwelling Code
 - COMM 61.115: commercial erosion control
 - COMM 82.36: Uniform Plumbing Code
- Local Authority

Federal Qualifying State Program

NPDES = WPDES

National Pollution Discharge
Elimination System

Wisconsin Pollution Discharge
Elimination System

NR 216 is the WPDES storm water
permit code

NR 151 contains performance
standards and some are implemented
through WPDES storm water permits

Wis. Statutory Authority (DNR & DOT)

- DNR authorized under s. 283.33, Stats., to administer storm water discharge permit program (NR 216)

- DOT directed and supervised projects are exempt from NR 216 pursuant to s. 30.2022, Stats., and DOT administers its own equivalent program under a DOT/DNR cooperative agreement

- Trans 401: DOT erosion control and storm water management code equivalent to subch. III of NR 216 and ch. NR 151
- Cooperative agreement requirements for DOT owned and operated MS4s similar to requirements of subch. I of NR 216

Commerce Statutory Authority 101.1205, Stats.

- Gives authority to Commerce to regulate erosion control at public building and places of employment
- Rules - Comm 61.115, Commercial Building Code
- Requires NOI and NOT submittal
- Requires that site comply with NR 216
- NR 216 references NR 151

Commerce Statutory Authority S. 101.653, Stats.

- Gives Commerce authority over 1- and 2-family dwellings
- Erosion control plan review & inspection (tied to building permit in Comm 21)
- January 1, 2005 = Statewide enforcement of UDC
- s. Comm 21.125

NR 151

Post-Construction Standards



Applicability

- Effective for construction site NOIs submitted after October 1, 2004
- Some exemptions allowed
- Implement through existing programs
 - NR 216, TRANS 401, Comm 61

Commercial Site Regulated by Commerce and/or DNR?

- Commerce regulates construction of an individual building site
- DNR permit coverage needed when:
 - Grading, grubbing or utility construction for a business park (multiple building sites)
 - Land disturbance occurs in advance of Commerce's authority over it as a building construction project

Comm 61.115 Erosion Control

- NOI for ≥ 1 acre disturbance (filed with Department or cert. muni. or counties) 14 working days prior
- Soil erosion control plan that complies with NR 216.46 & 216.47 (which ties to NR 151.11 & 151.12)
- Reporting and monitoring as per NR 216.48

Comm 21.125 - Erosion Control

- Perimeter measures in place within 24 hours and remain until stabilized
- $\geq 12\%$ slopes, ≥ 10 ft long require tackifier, netting or matting
- Tracking pad
- Clean-up by the end of the next day
- Sewer inlet protection required
- Proper management of building material waste disposal

NR 151

Post-Construction Standards

- Written storm water plan
- Total Suspended Solids (TSS) controlled to MEP up to 80%
- 2-year 24-hour peak flow control
- Infiltration standard
- Protective areas (buffers)
- Fuel & maintenance areas (no sheen)

NR 151

Post-Construction Standards

Infiltration Standard (by design)

■ Residential

- Infiltrate **90%** of the average annual predevelopment infiltration volume or
- **25%** of the 2-year, 24-hour storm

■ Non-residential

- Infiltrate **60%** of the average annual predevelopment infiltration volume or
- **10%** of the 2-year, 24-hour storm

■ Prohibitions for groundwater protection

■ Exemptions for practicality reasons

NR 151

Post-Construction Standards

Infiltration Standard (by design)

- Maximum effective infiltration area required to meet volume requirement
 - Residential: 1% cap
 - Non-residential: 2% cap
- Pre-treat parking lots & roads to protect GW and infiltration device

New Technical Standards

■ Infiltration standards

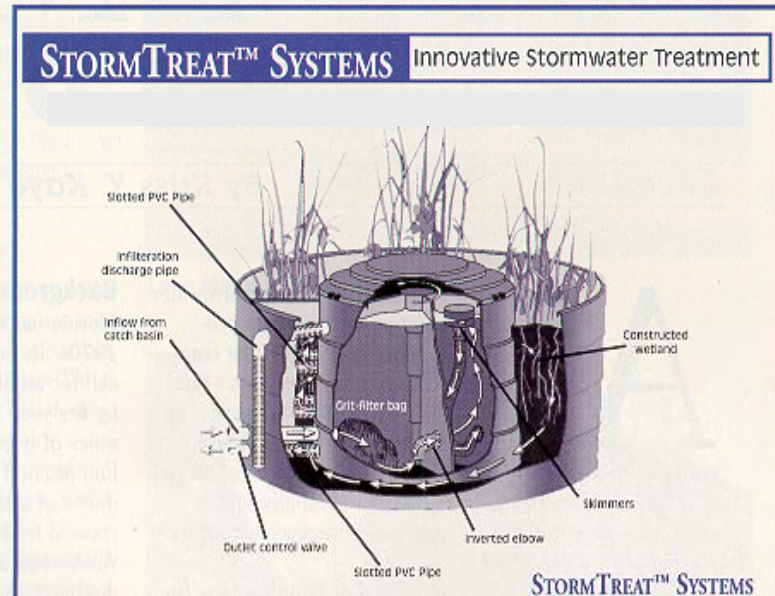
- Site evaluation
- Infiltration basin
- Bioretention
- Grassed swales
- Infiltration trenches (expected in 2005)

■ ~ 20 new erosion and sediment control standards are replacing the "Wisconsin Construction Site Handbook"

■ Available at:

<http://dnr.wi.gov/org/water/wm/nps/stormwater/techstds.htm>

Commerce Storm Water Product Approval Process???



S. Comm 84.10 Approval of devices/methods intended to comply with s. Comm 82.70

- Infiltration
- Irrigation
- Reuse

Device may not be sold or installed without this approval.

Comm 82.36 & 82.365

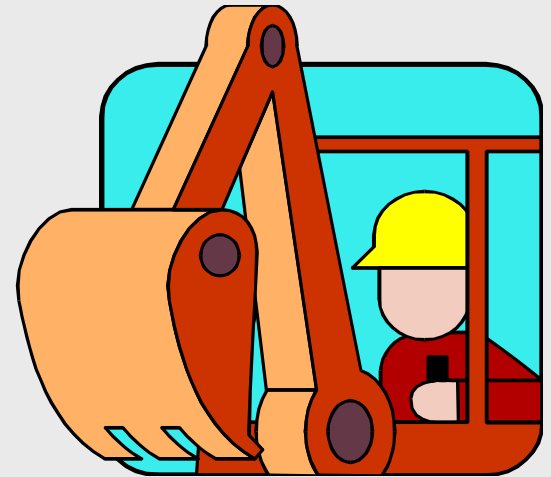
Storm Plumbing Systems

- New rules effective 12/1/04
- Rules allow flexibility to comply with NR 151.12
- Plumbing subsurface infiltration "in connection with buildings" requires plan review
- Soil test required prior to installation
- Minimum 1' of suitable soil required

Storm Water Phase II Impact on Construction Sites

■ Applicability

- Permit required for one or more acres of land disturbance
- Sites under one acre can be required to get coverage for a significant discharge of pollution to waters of the state or a violation of a water quality standard
- Regulated sites
 - 5+ acres: ~500 NOIs annual
 - 1-5 acres: 2500+ NOIs annually



NR 151 Construction & Post-constr. Perf. Standards

- DNR directed to develop nonpoint source performance standards to meet water quality (NR 151)
- DNR's expectation is that DOT and Commerce would implement NR 151 standards under their authorities
- DNR revised NR 216 to incorporate NR 151 standards
- DOT revised Trans 401 to be equivalent to NR 151
- Comm 61.115 requires plans to be in compliance with NR 151 standards via reference to NR 216.46 & NR 216.47
- Comm 21 currently has no such requirement

Trans 401 - Construction Projects Directed and Supervised by DOT

- DOT requires construction projects to meet Trans 401 erosion control and storm water management standards
- Trans 401 is equivalent to NR 216 and NR 151 standards
- These projects are exempt from NR 216 (NOIs are not submitted to DNR)
- DNR regional liaisons review and give comments to DOT on construction projects

Local Storm Water Programs



Phase II MS4s Requiring Permit Coverage

■ Applicability

- Automatic for MS4s in "Urbanized Areas" affecting ~ 220 cities, villages, towns and counties in WI
- ~20 other MS4s outside of UA also expected to require coverage where population > 10,000

16 Wisconsin Urbanized Areas

Appleton-Neenah

Eau Claire

Green Bay

Kenosha

Madison

Oshkosh

Round Lake Beach (IL)

Superior (Duluth)

Beloit

Fond du Lac

Janesville

La Crosse

Milwaukee

Racine

Sheboygan

Wausau

MS4s serving over 10,000 (MS4 permit coverage expected)

Baraboo

Fort Atkinson

Manitowoc

Marshfield

Merrill

Plover

River Falls

Two Rivers

Waupun

Whitewater

Beaver Dam

Hartford

Marinette

Menomonie

Monroe

Port Washington

Stevens Point

Watertown

West Bend

Wisconsin Rapids

NR 216 Municipal (MS4) Permit

MS4 permit requirements based on EPA 6 minimum control measures (categories)

- Public education and outreach
- Public involvement and participation
- Illicit discharge detection and elimination
- **Construction site pollutant control**
- **Post-construction site storm water management**
- Pollution Prevention

NR 152 Model Ordinances

- Ordinances available for voluntary adoption by municipalities
 - Erosion control
 - Storm water management
- Contains the NR 151 performance standards
- MS4 permitted municipalities will need ordinances containing requirements equivalent to NR 151 standards

DNR Authorized Local Program

New Program

- ALP is a voluntary program for municipalities
- ALP provides state construction site permit coverage under DNR construction permit
- ALP receives NOI, reviews plans, enforces appropriate ordinances for erosion control and storm water management
- ALP establishes its own fee system but must provide DNR \$500 - \$3500 annually

For More Information -DNR

- DNR Storm Water homepage:
<http://dnr.wi.gov/org/water/wm/nps/stormwater.htm>
- DNR Nonpoint Rules including NR 151:
<http://dnr.wi.gov/org/water/wm/nps/admrules.htm>

For More Information - Commerce

- <http://www.Commerce.state.wi.us>
- Erosion & Sediment Control
 - Brian Ferris, Section Chief 608-785-9335
- Stormwater Management
 - Brad Johnson, Section Chief 715-524-6853
- Program Manager
 - Lynita Docken 608-785-9349